

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the fatal accident at the North Street Crossing (MP 220.50) in the City of Selma, Fresno County, on June 6, 2003, and order to show cause why this crossing should not be closed.

Investigation 03-08-017
(Filed August 21, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
RESETTING PREHEARING CONFERENCE, GRANTING MOTION TO
INTERVENE, DIRECTING PARTIES TO MEET AND CONFER, AND
ORDERING CROSSING TO REMAIN CLOSED**

On August 21, 2003, the Commission issued Order Instituting Investigation (I.) 03-08-017 into whether the North Street Crossing should be closed. The Commission took this action in response to the fifth fatal injury accident at the crossing since 1999.

On September 2, 2003, I issued a ruling directing the City of Selma to take all actions necessary to prevent vehicles and pedestrians from using this crossing, pending further order of the Commission. That ruling also set a prehearing conference. Subsequently, the Commission staff and the City of Selma agreed that the crossing would remain closed and that they would attempt to reach a settlement agreement regarding related issues. I agreed to remove the prehearing conference from the Commission's calendar and required that any settlement agreement be filed within 60 days.

On September 25, 2003, the Union Pacific Railroad Company (UP) filed its motion to intervene in the proceeding, which alleged that UP owns and operates the rail line involved in the North Street Crossing.

The City of Selma's counsel informed me by letter dated November 12, 2003, that the parties, including UP, have not yet reached a settlement agreement, and that they would like an additional 60 days to continue negotiations. The letter also stated that the parties would like to conduct a joint corridor and/or consolidation study of all crossings within the City of Selma.

Good cause having been shown, **IT IS RULED** that:

1. A prehearing conference shall be held:

Thursday, January 22, 2004
10:00 a.m.
Commission Hearing Rooms
505 Van Ness Avenue
San Francisco, California

No further delays shall be granted.

2. Union Pacific Railroad Company's motion to intervene is granted.
3. The parties shall meet, confer, and diligently endeavor to reach a mutually agreeable settlement.
4. The North Street Crossing shall remain closed pending further order of the Commission.

Dated November 21, 2003, at San Francisco, California.

/s/ MARIBETH A. BUSHEY

Maribeth A. Bushey
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Resetting Prehearing Conference, Granting Motion to Intervene, Directing Parties to Meet and Confer, and Ordering Crossing to Remain Closed on all parties of record in this proceeding or their attorneys of record.

Dated November 21, 2003, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.